

**Village of Cold Spring Zoning Board of Appeals  
85 Main Street, Cold Spring New York 10516  
Phone (845) 265-3611  
Two public hearings and workshop meeting**

**July 3, 2014**

**Present:** Chair, Marie Early, members: Alison Anthoine, and John Martin. Also present was Nancy Tagliafierro, legal counsel for the ZBA.

**Members absent:** Greg Gunder and Ed Murphy

**a. Patrice Delabie and Cindy Goldberg, 5 Cedar St.**

Chair, M. Early opened the public hearing at 7:04 P.M. by reading Village Law 7-712-A regarding voting requirements and then read the legal notice.

Architect Madeline Sanchez reviewed the proposal as a proposed two story addition to the north side. It was noted that the mudroom will be set back 6 inches from the garage. The Applicant presented to the Board the notices to neighbors. Chair Early compared a list neighbors who should have been notified to the list of notified neighbors presented by the applicant. The Applicant provided the square footage of the attic space as previously requested.

Board members previously did a site visit to review the lot since it was noted the lot is under sized, non-conforming and an L shape. Madeline Sanchez reviewed pictures showing area garages.

It was noted by the Board that there were no comments from the public.  
The Planning Board issued no comment.

The Board discussed the lot coverage and asked the applicant if they would be willing to remove something from the property such as an existing shed to lower the lot coverage. The Board reviewed a previous application regarding lot coverage.

A. Anthoine moved to close the public hearing and J. Martin seconded the motion. The public hearing was closed at 7:41 P.M.

Chair Early read a proposed decision. The Board decided to review more lot coverage applications before voting on the decision.

A workshop meeting was scheduled for Thursday, July 17, 2014 at 7:00 P.M. to discuss the findings.

**b. William And Kelly Martin, 36 Mountain Ave.**

Chair Early opened the public hearing at 8:02 P.M. by reading Village Law 7-712-A regarding voting requirements then read the legal notice. M. Early noted the applicant did not qualify for the small lot side-yard setback since he owns an adjoining lot.

James Horan, attorney for the applicant, noted they are willing to amend the application and merge the two lots owned by the applicant, and withdraw the rear setback and lot coverage variance requests.

This would also qualify the merged lots for the small lot side-yard setback. The applicant is willing to have variances issued subject to the parcels being merged

It was noted that the Planning board had no comment.

A list of notified neighbors was compared to a list of neighbors who should have been notified.

Public comments:

- Ms. Shelly Gilbert, 38 Mountain Ave. – noted she just wants to make sure she is comfortable with the application since she is a close neighbor. Ms. Gilbert expressed concern over the garage portion that is proposed to be removed. She noted she was concerned about her patio being lost and asked if a stockade fence can be added to the proposal.
- Mr. Francis Lahey, 26 Mountain Ave. – in support of the proposal.
- Ms. Michelle McCoy, 25 Mountain Ave. – noted that the owners, the Lobes, of 27 Mountain Ave. live in France and the family living in the house currently are renters. The notice should go to the home owners not the renters.

The applicant will apply for a merger of the two lots; this will eliminate the need for variances for lot coverage, for rear yard setback and, as previously noted, will qualify for the small lot side-yard setback provision.

Currently the applicant proposed a front yard setback and two side yard setbacks; one for the house and one for the garage. The height of the house with the change in roof will still be below the 35 ft. maximum requirement.

The applicant noted the rear porch will not be covered.

It was noted that the figures on the site plan were approximated and not exact; a new site plan was requested showing exact dimensions.

The applicant presented photos of the property.

M. Early questioned a prior C of O regarding an addition to the front of the house.

The public hearing was held open. A continued public hearing was scheduled for Thursday, July, 17, 2014 at 7:45 P.M. A new public notice will be published for July 17 at 7:45 P.M.

The following will be done for the continued public hearing:

- Evidence of combining lots by next meeting if possible.
- Nancy Tagliafierro will research whether or not a new application has to be done.
- Mailings will be certified rather than priority.
- 8 copies of the new site plan, elevations and interior drawings are needed.
- In addition, the interior drawings need to be more precise.
- Site elevations for all sides are needed.

J. Martin moved to adjourn the public hearing and A. Anthoine seconded the motion. The meeting was adjourned at 9:06 P.M.

**Workshop meeting:**

The workshop meeting was opened at 9:06 P.M.

**Minutes:**

- The minutes of June 19, 2014 were reviewed. J. Martin moved to accept the minutes as presented and A. Anthoine seconded the motion. The minutes were approved unanimously.

**Board business:**

- The board discussed changing the requirements for mailing legal notice to neighbors. M. Early moved to have public notice notifications sent by certified mail return request rather than priority mail. A. Anthoine seconded the motion. It was approved unanimously.
- The Board reviewed the grant the Village received to change the zoning code.

J. Martin moved to adjourn the meeting and A. Anthoine seconded the motion. The meeting adjourned at about 9:12 P.M.

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Marie Early, Village of Cold Spring Zoning Board  
Of Appeals Chair

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Date